

Centers for Medicare & Medicaid Services
Transcript: Assister Technical Assistance Webinar
October 9, 2015
2:00pm ET

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Welcome

Good afternoon everyone my name is Melissa McLean and I'm with the Consumer Support Group. Before we start today's presentation, I'd like to go over a few technical issues with you. All lines have been muted so that everyone can have a good learning experience. If you are listening through your computer speakers and have any audio issues, or if you are slides do not appear to be advancing you can refresh the webinar. Please press the refresh icon that looks like arrows; it is the third icon in the row near the volume bar. If you continue to have any audio issues, you are welcome to join us via telephone. The instructions for dialing in are included in the alternate audio tab. You can ask any questions that you have by typing them into the "ask a question tab" in our chat feature – and with that I'm going to go ahead and get us started and turn it over to Miss Deborah Bryant -- Deborah please go ahead,

Thank you, as Melissa said my name is Deborah Bryant and I am the Director for the Division of Consumer Advocacy and Assister Support Division for the Marketplace. Just a reminder, today's call is intended for technical assistance for assisters and is not intended for press purposes and is not on the

record. If you are a member of the press, please contact us our press office at press@CMS.hhs.gov. Also I'd like to remind folks that today's webinar is informal technical assistance for assisters is not intended as official CMS guidance.

For today's webinar we will provide you with an overview of how assisters can help consumers that failed to file their 2014 taxes and reconcile any 2014 advance payment of the premium tax credit that they received. We will also provide a refresher presentation on guidance for assisters working with agents and brokers. The agents and brokers presentation was originally presented back in April and reviews CMS guidance on how and when to provide information about agent and broker services to consumers and how assisters should engage with agents and brokers. If you have questions throughout today's webinar, please feel free to use the webinar chat feature and if we have time at the end of the webinar, we will provide answers to the questions that you submitted. Now I will turn it over to Michelle who will provide you with a few Marketplace updates and then she will moderate the rest of today's session. Michelle?

Marketplace Updates

Breast Cancer Awareness Month

Great, thanks Deborah. As many of you know October is Breast Cancer Awareness month, which can be a good opportunity to incorporate the benefits of preventive services into your outreach and education messaging. Breast cancer remains the most common cancer among women and the second most deadly. Regular screenings and quality treatment are critical to the millions of women who will be diagnosed. As you may know, the Affordable Care Act requires health plans to cover preventive services like cancer screenings at no out-of-pocket cost. You can click on the links on the slides to view a blog post on Breast Cancer Awareness Month by HHS Secretary Sylvia Burwell and to view a set of FAQs that can help insurance companies better understand the scope of preventive services coverage they are required to cover, and help consumers access these preventive services.

New Resources

Next, we want highlight a few new resources that were included in this week's newsletter. A recent HealthCare.gov blog provides quick, helpful tips for consumers on how to prepare for Open Enrollment. The blog can be accessed through the link on your screen or in Wednesday's newsletter. The blog includes information and tips for consumers applying for the first time, such as a checklist to get ready to apply and key date and deadlines that are important to be aware of. The blog also includes information to help consumers prepare to re-enroll, such as reminders to update their application with any income and household changes they expect for 2016. Assisters can also use this information as they work with consumers conducting outreach and education about Open Enrollment.

REMINDER: 2016 Assister Training

And for our last update, as you all know, certified application counselors, Navigators, and in-person assisters in the Federally-facilitated Marketplaces can access the 2016 Assister Training on MLMS through the [CMS Enterprise Portal](#). We understand that some assisters have been experiencing issues with accessing the training or having their training progress recorded. We appreciate your patience as we continue to work through glitches in the new training system and the MLMS helpdesk operations. If assisters notice that the system is not recording the completion of courses, we recommend that they continue through the training and take screen shots of each completed course, including tests. Once

they have completed all the required courses, they should send all the screen shots to the MLMS Help Desk at MLMShelpdesk@cms.hhs.gov and write “roll-up issues” in the subject line. We will continue to include information and troubleshooting tips in our newsletter, and we recommend that you check out this week’s newsletter for our most recent tips. And once again, we really do appreciate your patience as we continue to work through the glitches with the new system.

Failure To File And Reconcile 2014 APTC

That’s it for this week's Marketplace update. Just a quick note, if you would like to download the slides that will go along with today's presentation please see the links on the slide and this link was also included in the webinar invitations that were sent out this week. For our first presentation, on failure to reconcile 2014 APTC, we are joined by Stephanie Hengst from our Marketplace Eligibility and Enrollment Group here at CCIIO and Heather Raeburn from our Consumer Support Group. As reminder, please submit your questions throughout today's webinar through the webinar chat feature. Stephanie?

Thank you, today we will go over failure to file and reconcile 2014 APTC and this is an overview for assisters. You may have heard about a requirement that we refer to as failure to file and reconcile or FTR for short. In this presentation we will provide some background of the requirement, provide a couple refreshers on Open Enrollment, then will get into how the FFM is operationalizing FTR, and key information for all of you when you're working with consumers.

For this year beginning with Open Enrollment 2016, the Federally-facilitated Marketplace which we will refer to as the Marketplace or FFM will discontinue APTC and CSR for 2016 coverage for those who received APTC in 2014 did not comply with the requirements to file in income tax return and reconcile the APTC. According to Marketplace regulation, the Marketplace must discontinue APTC and income-based CSRs for tax filers who received APTCs, but did not comply with the requirement to file the income tax return and reconcile APTC. As we walk through the presentation today I just wanted to note that we will provide an overview of how the FFM will assist consumers with the requirement. State-based Marketplaces may choose to implement different processes.

So what does it mean to reconcile APTC? Enrollees who received advance payments of the premium tax credit are required to file an income tax return including the IRS form 8962 to reconcile the amount of advance payments of the premium tax credit which was based on their projected household income, with the final premium tax credit the enrollee is eligible for, based on actual household income for the year during which they received APTC. The reconciling is about comparing the amount the consumer estimated their household income would be to what it actually was for the year. This requirement applies even if the consumer otherwise would not be required to file an income tax return.

So first a quick refresher on Open Enrollment and annual redetermination -- the Marketplace must redetermine the consumer's eligibility for Marketplace coverage and financial assistance on an annual basis. Consumers are always encouraged return to the Marketplace during Open Enrollment to update their application and receive an updated eligibility determination. However consumers who do not come back to the Marketplace and select a plan during Open Enrollment generally are automatically reenrolled into the same qualified health plan when possible or into a similar QHP if their old plan is not available. For consumers who are automatically reenrolled the amount of financial assistance they are eligible for will be calculated using the most recent information available to Marketplace.

So the Marketplace relies on IRS for information on whether a tax filer has filed and reconciled for 2014. Marketplaces may use this information from the IRS on tax filing for any of the following situations -- for new applications that come in for 2016, updated applications for 2016, or auto reenrolled applications for 2016. When the Marketplace requests updated information from IRS for 2016 coverage, the Marketplace will receive a notification if a tax filer who applied APTC towards their premium has failed to file a tax return for 2014. It takes IRS 3 to 10 weeks to process a tax return depending on how it is filed either through paper or electronic and information shared with the Marketplace is updated monthly.

Notices will be sent to consumers in advance of Open Enrollment warning them about the possible impacts of not filing and reconciling APTC. This summer IRS mailed letters in July to consumers who had received APTC in 2014 but had not yet filed their 2014 tax return. Reminders were also sent to consumers who had filed an extension and these letters encouraged them to file as soon as possible. Marketplace Open Enrollment Notices for enrollees who received APTC in 2014, and whose tax return is not filed by the time the Marketplace requests income data from the IRS, will receive that Marketplace Open Enrollment Notice (which we refer to as the MOEN) and it will contain language explaining the risk for losing APTC for 2016. The notice will not tell consumers why they may lose APTC in 2016 because the information about someone's tax filing status is protected federal tax information. So instead the notice message will be combined with other possible reasons for losing APTC for 2016. Consumers affected by any one of the following reasons will get the same notice. These reasons will include: not authorizing the Marketplace to request updated tax information, failing to file a tax return, or the updated tax information indicates that the household income is too high to receive APTC.

During Open Enrollment enrolled consumers can avoid losing APTC for 2016 after they file and reconcile their APTC for 2014. They can return to the application to let the Marketplace know they filed and reconciled. The way they can do that is beginning on November 1 for Open Enrollment, after filing their 2014 tax return and reconciling APTC the enrollees can return to the Marketplace, create a 2016 application and attest on the application that they have filed a 2014 tax return. Enrollees should continue through to confirm enrollment after completing the application and selecting a plan. This will ensure that the enrollee is eligible to receive APTC. If a consumer does not return to the application during Open Enrollment, the Marketplace will be doing a recheck of IRS data in December. In mid-December the Marketplace will recheck IRS data for all enrollees who did not return to the Marketplace at the beginning of Open Enrollment when initially flagged by IRS as not having filed and reconciled APTC. Consumers will be auto reenrolled and covered for January with APTC if they attested to having filed and reconciled OR the December recheck of IRS data indicates that they had filed and reconciled.

So about the attestation question on the application -- this will become available beginning November 1, 2015 on the application. This is what we refer to as a tax filing related question. This question will display on all 2016 applications and will allow enrollees who received APTC for 2014 to attest under penalty of perjury to having filed a 2014 tax return and reconciled their APTC. After filing and reconciling 2014 APTC, attesting to having filed a tax return on the application will allow the enrollee to maintain eligibility for APTC even if IRS' data has not yet been updated. Enrollees who filed a 2014 tax return and reconciled APTC must attest to having filed and reconciled on the application and select a plan by December 15, 2015 in order to maintain APTC for coverage effective for January 1. As discussed earlier, if consumers do not return to the application to attest to having filed a 2014 tax return and reconciling APTC, the Marketplace will recheck IRS data in December and the consumer will be auto reenrolled with APTC if IRS data indicates that the consumer did file and reconcile.

The next slide shows an example of what the attestation question will look like in the application. So as you can see, the consumer will see a question about whether their household has filed a 2014 tax return and reconciled the premium tax credit for that year. There's some prompts underneath the question to make sure that the consumers understand what exactly that means. Clicking the box "Yes 2014 premium tax credits were reconciled" is the attestation which the consumer is doing, like all application information, under penalty of perjury, so we are taking them at their word that they are telling the truth when they click this box.

The enrollees who have APTC discontinued beginning January 1, 2016 due to failure to file and reconcile can still take action to restore their APTC. After they have filed and reconciled, and generally may return to the Marketplace application report a life change, attest to filing and reconciling, then they will receive a new eligibility determination and then can select a plan and receive APTC prospectively. If the enrollee completes these steps between December 16 and January 15, APTC will begin February 1. If the enrollee completes these steps between January 16 and January 31, APTC will begin March 1. After Open Enrollment enrollees cannot change plans unless they qualify for a special enrollment period. However they can follow the steps above to regain APTC eligibility following the 15th of the month rules.

Assisters can take steps now when working with enrollees. Encouraging those who have received APTC in 2014 to file their 2014 federal income taxes and reconcile APTC as soon as possible. Even if they've missed the filing deadline or if they are within their filing extension deadline, assisters should encourage them to file as soon as possible. Remind enrollees that even if they usually don't have to file an income tax return, if they received APTC in 2014, they need to file a tax return. Consumers can file an amended return so they may want to file now to ensure that they continue receiving their APTC even if they think they may need to make changes to their tax return in the future. You can help enrollees who haven't filed their taxes yet understand what steps to take including helping them access their Form 1095-A and report any errors. Enrollees can log into their respective Marketplace account to view or download their Form 1095-A. There will be slides following on how and where to access this. CMS is processing 2014 1095-A corrections and reprint request on an ongoing basis. If an enrollee recently requested a corrected or reprinted 1095-A for 2014, he or she should receive a response from CMS within a couple weeks. Once an enrollee receives his or her corrected form 1095-A, the enrollee should keep a copy in case IRS has follow-up questions regarding his or her corrected form.

How you can help enrollees who are unsure whether they are at risk for losing APTC because they did not file a tax return and reconcile their APTC: Encourage enrollees to check with their tax filer in their household to see if their 2014 tax return was filed. You can encourage enrollees to have the household tax filer use interactive tax assistance at this link to the IRS or you can call the IRS call center at the number listed. Note that in order to protect federal tax information the Marketplace Call Center will not be able to tell consumers whether they are at risk for losing APTC because they failed to file and reconcile. Encourage all enrollees to return to the Marketplace during Open Enrollment to provide updated household information, obtain an updated eligibility determination and browse available plans and help enrollees find the best options for their family needs. Enrollees who have filed their 2014 tax return can attest to having done so and keep their APTC for 2016.

And now Heather will walk through the slides related to My Account and where they can access the 1095-A form.

Thank you, Stephanie. So as Stephanie indicated when filing their 2014 tax return to reconcile their APTC consumers will need to use information found on the form 1095-A which is generated by the

Marketplace. So consumers who have an online My Account can access their Form 1095-A in their My Account. So first they would go in and use the email account they used when they started their My Account, and the password that they created, and click login to get into their online account. When consumers log into their account they will be able to see if they have messages. Each 1095-A that is created for a consumer will create a message in the message box. The message will notify the consumer that a 1095-A is available and the consumer would be able to click download to access that 1095-A. Consumers that have requested corrections to their 1095-A will be notified by a message that they have a corrected 1095-A available. If they receive multiple corrected 1095-As, they will have a different message for each corrected 1095-A that they received. And again they will be able to click on the download link to access that 1095-A through that message.

Also under My Account consumers can click on their application. If you go back one screen if you see on the left-hand side there's my applications and coverage that consumers can click on that button and there will be more links on the left-hand side of the page. One of those links is tax forms. This was a new section; it was created last year to account for the 1095-A Form. So when the consumer clicks on tax forms they will be taken to a screen which will show the 1095-A tax forms available to the consumer. There'll be some language helping to explain what the 1095-A is, and some additional language about what information the 1095-A includes. This will help the consumer understand why they need to use this form and what they need to use it for.

When consumers go to download their 1095-A, there will be a dynamic statement that's at the top that will indicate if the consumer has one or more corrected 1095-A forms. So again if a consumer has requested corrections in the past, this would notify them that they actually have corrected forms. There will also be a table that will display all of the different 1095-A forms available to the consumer. In this example you can see that there were a few different health plans that consumers were enrolled in during the year so there is a different 1095-A for each of those health plans. If there are no 1095-As that have been generated and posted to the consumer's application in their account, then they will not see a table at all. And in the event that a consumer has the online account and they should have a 1095-A and they simply cannot find a 1095-A in My Account, they should contact the Marketplace Call Center to try to figure out why their 1095-A has not been generated. And then there's also static information at the bottom of this page where the consumer will click to get information about how to request a corrected 1095-A, so if they see something that does not look correct and they need to request a corrected form 1095-A, that link will help tell the consumers how to do that and what they need to do. So with that, I will turn things back over to Stephanie.

Thank you, now the next side you'll see is a list of Open Enrollment dates for 2016 that are related to FTR. So as I mentioned earlier in the presentation, in July IRS sent reminder letters to all individuals that received the 2014 APTC that did not have a tax return on file yet -- so those already went out. Beginning this month in October, we are running what we call the off-line income verification so that's where we check IRS data for income information and that is when we will receive the indicator back letting us know that somebody may have the FTR indicator that failure to file and reconcile. Also this month the FFM is sending out the Marketplace Open Enrollment Notices. Those have largely gone through the initial phases of the generation process and consumers should start receiving those if they haven't already. Those are generated on a rolling basis so some consumers may have already received them and will continue to be pushed out through the mail and those will also be available in the online My Account. Beginning on November 1, 2016, Open Enrollment begins and that tax filing question that we showed earlier will be live on the application. December 15 is the last day to select a plan to begin coverage for January 1, 2016. But again that is not the end of Open Enrollment, that is just the last day

to select a plan for January 1 coverage. Mid December we will also run a second check of IRS data to determine whether those individuals who did not return to the Marketplace are cleared of their FTR status, meaning they have filed and it's on record with IRS. And then on January 31 Open Enrollment closes for 2016.

Next slide is a list of resources that I encourage everyone to check out including what the IRS letters looked like, information on reenrollment process that we've gone over before on this webinar series, and now we can move on to questions.

Q&A: Failure to File And Reconcile 2014 APTC

Thank you so much Stephanie and Heather. Before we dive into questions we are just going to put up the agenda slide that has the links to today's presentations and we see a lot of people are asking for it so we will leave this slide up while we ask questions. So please click on the links and download the slide decks.

The first question we have is -- why is the question about filing a 2014 tax return optional on the application?

It was designed as optional because it's going to be presented to everyone on the 2016 application and some people may choose not to check it for whatever reason. That is part of the IRS and CMS requirement is that if somebody's telling us whether they have filed or not it's not a requirement. Again due to protecting the federal tax information, the application question will be shown to everyone on all applications.

Next one is -- if consumers don't file a 2014 tax return to reconcile and don't return to the application, will they be enrolled in a plan without APTC for 2016?

Yes that is correct. If they do not file a tax return and they do not return to the Marketplace to tell us that they have filed and it's not showing up because IRS's data is behind a little bit, they will be reenrolled for 2016 in their QHP but without APTC. But there are those other measures that they can do to maintain APTC.

Next, if an enrollee reconciles late and notifies the Marketplace in early January and received APTC starting February will they be able to claim credit for the PTC for January when they file their 2016 taxes? Yes so our understanding from IRS is that if they file late, they will still be able to receive that as the premium tax credit when they reconcile their taxes at the end of the following year.

I think we have time for a couple more questions so -- how can a consumer who loses their APTC starting January 1, 2016 get their eligibility for APTC back?

Sure so after filing a tax return and reconciling APTC a consumer may return to the Marketplace application to report a life change -- they can attest to having filed and reconciled their 2014 APTC -- and if they do take care of the steps by January 15, they will have coverage effective with APTC beginning February 1. If the consumer follows those steps between January 16 and January 31, their APTC will begin March 1.

Okay and one last question before we move on -- what if the consumer cannot file taxes for 2014 because he or she is waiting on a corrected or reprinted Form 1095-A?

Sure, consumers who enrolled in a health plan through the Marketplace in 2014 should have received the Form 1095-A. Consumers are encouraged to log in to their Marketplace account to view and

download that 1095-A form. CMS is still processing 2014 Form 1095-A corrections and reprint requests on an ongoing basis, so if the consumer recently requested a 2014 1095-A, he or she should receive a response from CMS soon and then once the consumer receives their corrected Form 1095-A, they can keep a copy on file in case IRS has questions about that correction.

So thank you again Stephanie and Heather for your presentation and for taking time to answer some of the questions and I know we have a lot more questions that we didn't get to yet but we will be sure to follow up in an upcoming newsletter in the Webinar Resources section.

Working with Agents and Brokers

Next we are joined by Carolyn Kraemer from our Consumer Support Group for a refresher presentation on working with agents and brokers which was originally presented in April. As a reminder, if you have questions throughout the webinar please send us them through the chat feature, Carolyn?

Thanks, Michelle. So as Michelle mentioned this presentation was previously delivered back in April and so our goal today is to provide you with a review of this content and remind you about this guidance and suggest that you use it as a resource as you shape your partnership with agents and brokers. So I'm going to quickly skip to the very last slide of this presentation for a moment because it includes a link that guidance that this presentation is based on so you can see. The first link is information for assisters on how and when to provide information about agent and broker services to consumers and other information about engaging with agents and brokers so you can go ahead and click on that link to access the guidance on which this presentation is based. These slides are also posted online on the same page that that guidance is posted so if you'd like to see the slides as well you can go to Marketplace.cms.gov and at the bottom of the page there's a link to about assister programs. If you click there and go to guidance and regulations on assister programs, a page will display that has links to both the guidance itself and to the slides, and I will repeat it one more time. You can get the slides and the guidance at Marketplace.cms.gov, click on about assister programs, then click on guidance and regulations on the assister programs and from there you'll be able to access the slides.

This presentation is going to cover broadly the guidance as I mentioned but it includes some definitions and differences between agents and brokers and also that covers how and when to inform consumers about agents and brokers. We will also talk about guidelines surrounding working with agents and brokers specifically at events and finally we will go through examples where we will apply the guidance that we've gone over to specific situations that you might find yourself in.

Additionally, throughout this presentation there will be title slides to each section so you can kind of keep track of where we are. So you will see the slide that's displayed now displays differences between assisters and agents and brokers and all the other categories.

This slide now displays a couple basic definitions of agents and brokers and you can also find this yourself if you go to HealthCare.gov and use the glossary feature. So some important things to remember is that one key difference between agents and brokers and assisters, is that agents and brokers can make specific recommendations about which plan you should enroll in, whereas assisters are required to be unbiased and not make specific recommendations for consumers as to which plan they should enroll in. Agents and brokers are also licensed and regulated by your state. So if you want to learn more about agents and broker regulations in your state, your state Department of Insurance is the place to contact. Another thing to note is that they typically get payment or commissions from health

insurers for enrolling consumers in their plans. And some agents and brokers work only for specific health insurance companies so they would just sell plans from those companies. Finally this question has come up previously -- agents and brokers must complete training to sell qualified health plans through the Marketplace. There are training requirements for agents and brokers to do this just as there are for Marketplace assisters. On the next slide you'll see some definitions for web brokers which refers to agents or brokers that own and manage their own enrollment website. So these are websites where consumers can purchase insurance and it would be an alternative to using HealthCare.gov. Web brokers are required to display all QHP's available in the Marketplace service area but as you can see on this slide there are some limitations that they do have and we will talk a little more about web brokers later in the presentation.

This slide provides some key differences between assisters and agents and brokers and these are important to keep in mind just for your own reference but they are also important to keep in mind because if you find yourself having a conversation with a consumer about the work that agents or brokers do it's really important to help make sure the consumer understands what these differences are. So just to go through them briefly. Assisters are prohibited from receiving consideration directly or indirectly from health insurers or stop-loss insurers in connection with the enrollment of any individual into QHPs or non-QHPs. So just in plain language what that would mean is roughly assisters don't get paid by the insurance companies that sell health insurance plans to consumers. And then the next important point is that, with some exceptions, Marketplace assisters are required to help everybody who asks for their assistance. So that's an important requirement to keep in mind as well. So agents and brokers as I mentioned before, typically are compensated by the insurance companies whose plans they sell and there's also no requirement that they help everybody who asks them for assistance.

The next slide includes a few more differences between agents and brokers that are important to keep in mind. So assisters are required to inform consumers about all of the qualified health plans, all the insurance plans, that they might be eligible for and they must disclose relationships that they have with health insurance issuers and insurance affordability programs. Then another really important thing to keep in mind is that assisters are required to provide information to consumers in a fair, accurate, and impartial manner. And that gets into what we talked about before of how assisters are not permitted to recommend a particular plan to consumers whereas that may be something that agents and brokers do. So you will see another difference that applies to agents and brokers is that agents and brokers are actually not required by law to display all available qualified health plans or to facilitate enrollment into all qualified health plans. And then other requirements are that unlike assisters, agents or brokers might not be required to provide assistance to all consumers that approach them. So this might vary based on state law so again your state Department of Insurance would be who you would check with there. Alright those are some basic definitions and differences that are important to keep in mind as you think about what you might do with agents or brokers or things to think about when talking with consumers about them.

And this section will just cover when it might be appropriate to inform consumers about the services that agents and brokers provide. So this general tip slide is helpful because it includes just broadly what you should consider as you interact with or tell consumers about agents and brokers and this is taken straight from the guidance that was at the beginning of the presentation so you can find these tips there as well. So just in general when you're seen working with agents or brokers you should not endorse specific agents and brokers or inform consumers about specific agents or brokers based on a relationship with them or imply endorsement of a particular agent or broker. And another thing to keep in mind is that you should not accept consideration of any kind including compensation direct or indirect

from an agent or broker that could be tied to compensation that that agent or broker received from a health insurance plan for enrolling a person in QHP or non-QHP. The third important thing to keep in mind is that you cannot use or rely upon the services of agents and brokers as a substitute for performing any of your federally required duties. So for example, it would not be permissible to as a routine just work with consumers on the Marketplace application and then consistently refer consumers to an agent or broker as a regular practice because assisters are required to help consumers with the plan selection feature of applying for and enrolling in coverage.

Next we'll cover situations in which it might be appropriate to inform the consumer about the services that agents and brokers provide. And so if a consumer specifically asks about the services that an agent or broker provides then you can discuss this with consumers and that's completely fine. Also as consumers express a desire or an interest in getting a recommendation about which particular plan they should pick, then it can be appropriate to talk with consumers about agents and brokers if agents and brokers are permitted by your state law to make this kind of recommendation. Those are two situations in which it's okay to talk with consumers about agents and brokers.

The next section will cover situations where it is okay to talk to consumers about agents and brokers -- how to do this and how to make sure that you are telling consumers about agents and brokers in a responsible way if you think it's appropriate to do so. Some important things to keep in mind that you'll see on this slide is that like I mentioned before -- it's really important to explain to consumers that there are differences between the services provided by agents and brokers and the services provided by assisters. So you can use this guidance and this slide deck as a reference for how to talk about these differences and what exactly they are. And then another important point is that you should refer consumers to general resources that they can search for or that they can use to find an agent or broker near where they live and so this really -- not endorsing or appearing to endorse an agent or broker that you're consistently telling consumers about -- it's important to provide consumers with different options and it's important to be unbiased in terms of the options that you're providing consumers with. If you talk about agents and brokers with consumers some good resources to use are Find Local Help on [HealthCare.gov](https://www.healthcare.gov) and your state Department of Insurance may also have resources available to search for agents and brokers. And then the third point related to that is that if the consumer looks at a general listing of agents and brokers, and asks for your help contacting an agent or broker then you can provide them with the help.

So now this section will move on from just talking with consumers about agents and brokers -- to working with agents and brokers if you have partnerships with them and especially if you might participate in events together. So these next few slides provide a few basic do's and don'ts as well as their implications. So I will go through them a little quickly because a lot of the text is there and you can use it as a reference as you think about any relationships or partnerships with agents and brokers that you might have. So an important thing to remember and the slides will also get at the three important guidelines that I talked about at the beginning of this presentation. So it's important again to remember to provide information in a fair, accurate, and impartial manner, and this involves not endorsing or appearing to endorse particular agents or brokers. The next couple of points on this slide explain what that means and how it might play out and these points included on the slide are in the guidance as well. So for example you may not try to persuade a consumer to use a particular agent or broker, you cannot display a link or a widget to a specific web broker on your website, and you cannot host or reserve space for agents and brokers at your service location. That's important to keep in mind.

The next slide relates to not accepting consideration or compensation of any kind whether it is direct or indirect from agents or brokers that can be tied to compensation that they get from insurance plans for enrolling consumers in QHPs or in non-QHPs. So there's a couple points below about how this might affect you and what is implied.

The next slide touches on again what we talked about before about not using the services of agents or brokers as a substitute for performing any of your federally required duties. That's an important thing to keep in mind as you work with agents and brokers.

So finally in the last section of this presentation we will talk a little bit about how to think about these guidelines as you work with consumers and potentially interact with agents and brokers. This first scenario just talks about a consumer who hypothetically comes to your service location to talk about applying for and enrolling in a Marketplace plan. After you have gone through the application, the consumer without any suggestion on your part mentions that she is interested in selecting her QHP with help from an agent or broker. So in this situation, think about the guidelines that we talked about before and whether it would be appropriate to refrain from discussing plan options with this consumer, whether you can provide her with information about agents and brokers and if so, what kind of information you should provide. I will give everybody a moment to think about it.

This next slide covers, in this situation, that it would be appropriate to refer or to explain to the consumer the services that the agents and brokers provide and to help her find information about agents and brokers -- but it is important that you keep in mind that you need to do these two things on the slide and inform the consumer about the differences between agents and brokers and assisters which I covered at the beginning of this presentation. You should also make sure to not provide her with information about specific agents or brokers, you should refer her to a general source for looking at agent and broker options, as opposed to referring her, or consistently referring consumers, to a particular agent or broker. Another thing to note about this situation is that if the consumer consents for you to follow up with her, then it is okay for you to contact her at a later time so you could continue work with that consumer if she would like.

The second scenario is similar to the first one where a consumer proceeds through the application process or part of it and then informs you that she is interested in working with an agent or broker to help her select a plan. But in this case she also asks that she would like to find an agent or broker specifically who speaks Spanish and who has experience with enrolling consumers into qualified health plans through the Marketplace. Take a moment to think about whether you can help this consumer find an agent or broker and if so, if it is okay, for you to help her find someone with the qualifications she is looking for.

So the answer is that yes it is okay as before the consumer expressed an interest in agent or broker services so it is okay to talk with her about the agent or broker services and this slide just covers some important things to keep in mind while you do that. Another part of this answer is that it's also okay to help her look for agents or brokers that meet her objective criteria: language skills and experience with working in the Marketplace. These are two criteria that are objective that could apply to many different agents or brokers and it's acceptable to use that kind of objective sorting criteria when creating a listing or when informing consumers about agents or brokers. This slide also includes a couple of examples of objective sorting criteria that are okay and again the important thing is to not imply that you endorse a particular agent or broker but objective criteria like this are okay.

So this next scenario covers actually more information about the first scenario. When providing consumers with information about an agent or broker that meets specific criteria, it is important to inform them about differences between assisters and agents and brokers, but also what kind of criteria you applied. So in the scenario that we just talked about the consumer asked specifically for certain criteria but if you create a list on your own that uses particular criteria it's important to inform consumers that that is what you did and to not arrange the list if you provide consumers with a list in a way that implies endorsement of a particular agent or broker. So an alphabetical listing would be okay or distance from a person's location is also fine as a way of talking with consumers about their options.

Back to the next scenario touches on working with agents and brokers in events and this particular scenario presents information about a hypothetical scenario where a known organization in your community, perhaps a local food bank, is hosting a community event and asks you to attend. You notice that the guest list will include several agents or brokers as well. The question is, can you attend this event without violating any of the requirements that apply to you? And the answer is that yes you can attend this event but it is important to keep in mind that you should not substitute an agent or broker to perform the services required of you and you should be careful not to either say or imply that you endorse any of the particular agents or brokers at the event.

So this scenario involves a large outreach event that your organization is cohosting and your cohost, which is a local hospital, suggests inviting local insurance brokers to the event that they have worked with in the past. Is it okay for you to cohost an event like this, and still meet all of your requirements, and invite these individuals to the event? The answer is yes you can, it is okay, but it's very important again to keep in mind the requirements that you have. You can do this but only as long as you take certain steps including extending invitations to all agents and brokers in a particular area and then at the event being very careful not to express or imply that you endorse any of the agents or brokers at the event. And the slide includes several other important points that will be useful to have as a reference.

So one more example of working with agents and brokers in a community event. This example deals with if you are approached by an agent or broker and asked to attend an event that her company is hosting and you think it might be a good opportunity to reach out but you are also concerned that your participation might involve some kind of potentially implying endorsement or receiving in-kind compensation? This is an event that you can attend but it's important to keep in mind that in a situation like this, you should be extra careful to ensure your impartiality. And you can do this by trying to attend other events that other agents or brokers might sponsor and be careful while you are there not to imply that you endorse that person or agent or broker so you would just need to be careful to keep in mind the requirements that apply to you as a Marketplace assister.

To wrap up this part of the presentation, this slide includes some just general tips to keep in mind because every situation is different and you might encounter details or situations that we have not been able to cover in this presentation but this slide covers some good guidelines to keep in mind as you might partner with or be involved with events in which agents or brokers also participate. So this is a good slide to use as a reference.

We are just about out of time for today but finally here is the slide again that I displayed at the beginning that includes some additional resources that you can use. In addition to the guidance that it provides, the second link is the page on CMS.gov where information for agents and brokers is posted so you can use this link if you are interested in learning more about the requirements that apply to agents and brokers who help consumers enroll in QHPs through the Federally-facilitated Marketplace and you

can also see educational resources that are available to them including their newsletter that they receive and just other basic information so feel free to use that as a resource.

Closing

Thank you so much Carolyn and as Carolyn mentioned we are already over our time today. So we thank you all for your questions that you submitted to the chat feature and we'll be following up with answers in our assister newsletter Webinar Resources section in the coming weeks. A special thanks again to our presenters Stephanie, Heather, and Carolyn for joining us today. Our next webinar will be next Friday, October 16 at 2 PM. As reminder if you would like to sign up for the CMS Weekly Assister newsletter and receive the Webinar invitation, please send a request via the Assister Listserve inbox and write add to listserv in the subject line. Finally we want to once again say thank you so much for all of your hard work as you prepare for the next Open Enrollment period and have a great weekend.